

May 28, 2013

West Des Moines City Council Proceedings
Tuesday, May 28, 2013

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Tuesday, May 28, 2013 at 5:30 PM. Council members present were: J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

Jody Smith, Deputy City Manager/City Clerk, stated staff is recommending, at the request of the applicant, the continuation of Item 7(a) Tiburon Preliminary Plat to the June 10, 2013 meeting.

On Item 1. Agenda. It was moved by Sandager, second by Trevillyan to approve the agenda as amended.

Vote 13-191: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 2. Public Forum: No one came forward.

On Item 3. Council/Manager/Other Entities Reports:

Council member Sandager reported he attended two meetings of the Bravo Grants Committee, where tentative grant allocations were made for Block 1 and Block 2.

Council member Trevillyan reported a Ward 1 Town Hall meeting will be held on Saturday, June 1st at 10:30 a.m. at Historic City Hall, 137 5th Street.

Council member Trimble reported the Finance and Administration Subcommittee met and discussed several items, including proposed increases of two fees for the Jordan Cemetery to cover increases in the costs for operation and maintenance and an update to the list of official City depositories, due to institutions closing, opening, and changing names. The subcommittee also discussed proposed reimbursements for capital projects and the possibility of privatizing facility management.

Greg Sparks, City Manager, responded to questions, stating an RFP for facilities maintenance has been drafted, and Public Works and Finance staff are working on calculating the current full cost for facilities maintenance to be used for comparison purposes at the subcommittee's next meeting.

Council member Trimble reported the Finance and Administration Subcommittee also discussed the disposal process for surplus land related to the 105th Street/Alice's Road Interchange project and a proposed 10 cent per gallon increase in sanitary sewer fees, which is scheduled to take effect in October 2014, to cover debt service obligations to the Wastewater Reclamation

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Authority. He reported the Homeless Coordinating Council discussed the Heath Act and how it could impact Federal funding for agencies that provide housing assistance, such as WDM Human Services, and they also discussed how to respond to the recent reduction in Federal funding for Section 8 Housing.

City Manager Greg Sparks reported the Police Week open house was held on May 16th. He attended the Fox Valley grand opening. He reported staff will meet tomorrow with Oppidan to work on a possible amendment to an existing development agreement. He stated since the Iowa Legislature has adjourned, an upcoming meeting will be scheduled with the Legislative Subcommittee to review the Legislative session.

Jason White, Executive Director of the Warren County Economic Development Corporation, provided an update on economic development in Warren County and thanked the City for its support.

On Item 4. Consent Agenda.

Council members pulled Item 4(o) for discussion. It was moved by Sandager, second by Trimble to approve the consent agenda as amended.

- a. Approval of Minutes of May 13, 2013 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. Biaggi's Ristorante Italiano, LLC d/b/a Biaggi's Ristorante Italiano, 5990 University Avenue - Class LC Liquor License with Carryout Wine, Sunday Sales and Catering Privileges - Renewal
 - 2. MVC Acquisition, LLC d/b/a Cabaret, 560 Prairie View Drive, Suite 105 - Temporary Expanded Outdoor Service Area to be added to Existing Class LC Liquor License with Outdoor Service Privileges (June 21-22, 2013) - New
 - 3. Foods, Inc. d/b/a Dahl's Foods, 1208 Prospect Road - Class LE Liquor License with Carryout Wine, Carryout Beer and Sunday Sales - Renewal
 - 4. Dino Investment, Corp. d/b/a The Filling Station, 305 Grand Avenue - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 5. Butterface, LLC d/b/a The Keg Stand, 3530 Westown Parkway - Temporary Expanded Outdoor Service Area to be added to Existing Class LC Liquor License with Outdoor Service Privileges (June 8, 2013) - New
 - 6. Kum & Go, LC d/b/a Kum & Go #8, 1293 8th Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 - 7. Kum & Go, LC d/b/a Kum & Go #50, 745 South 51st Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 - 8. Kum & Go, LC d/b/a Kum & Go #74, 141 South Jordan Creek Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal

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9. Kum & Go, LC d/b/a Kum & Go #2091, 5969 Ashworth Road - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 10. Kwik Trip, Inc. d/b/a Tobacco Outlet Plus #506, 1540 22nd Street - Class BC Beer Permit with Native Wine and Sunday Sales - Renewal
 11. Walgreen Co. d/b/a Walgreens #6623, 1660 22nd Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 12. Walgreen Co. d/b/a Walgreens #6677, 4900 Mills Civic Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 13. Walgreen Co. d/b/a Walgreens #6678, 1999 Grand Avenue - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 14. The Wine Experience at Jordan Creek d/b/a The Wine Experience at Jordan Creek, 101 Jordan Creek Parkway, Suite 12518 - Special Class C Liquor License with Sunday Sales and Outdoor Service - Six Month License
- d. Approval of Extended Sound Permits:
1. Borcyk/Langbein Wedding Ceremony, Raccoon River Nature Lodge
 2. The Keg Stand, 3530 Westown Parkway - Outdoor Band Concert
- e. Approval of Fireworks Displays - Various Locations and Dates
- f. Approval of Appointments - Library Board of Trustees
- g. Approval of Change Order #1 - 2012 PCC Patching Program, Phase 1
- h. Approval of Engineering Agreement - Raccoon River Park Archery Facility
- i. Approval of Economic Development Assistance Agreement - Submittal Exchange, Inc.
- j. Order Construction - 2013 PCC Patching Program, Phase 1
- k. Accept Work - 2011 PCC Patching Program - Phase 2
- l. Approval of Reimbursement - Various Capital Project Funds
- m. Approval of Official Depositories
- n. Approval of Fees - Jordan Cemetery
- p. Approval of Professional Services Agreements:
1. Master Planning - Future Public Services Site
 2. Public Works, Public Safety Station #19 and Fire/EMS Station #22 Mechanical System Improvements
- q. Approval and Acceptance of Hold Harmless Agreement - Meadow Point Townhomes Home Owners Association
- r. Approval and Acceptance of Various Documents - Plaza at Jordan Creek

Vote 13-192: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 4(o) Acceptance of Iowa Clean Air Attainment Program (ICAAP) Funds - Traffic Adaptive Signal Controls on Valley West Drive

Council member Trimble expressed appreciation to Transportation Engineer Jim Dickinson for applying for these funds, since he appreciates how the traffic adaptive signals help improve traffic flow in the city.

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It was moved by Trimble, second by Trevillyan to approve Item 4(o) Acceptance of Iowa Clean Air Attainment Program (ICAAP) Funds - Traffic Adaptive Signal Controls on Valley West Drive.

Vote 13-193: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 5(a) Westside Community Center, 134 6th Street - Rezone the Property from Single Family Valley Junction (SF-VJ) to Valley Junction Historic Business (VJHB), initiated by Polk County

It was moved by Trimble, second by Trevillyan to consider the second reading of the ordinance.

Vote 13-194: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Trevillyan to approve the second reading of the ordinance.

Vote 13-195: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

It was moved by Trimble, second by Trevillyan to waive the third reading and adopt the ordinance in final form.

Vote 13-196: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Colby Office Park PUD, 1011 and 1031 Office Park Road - Amend the Planned Unit Development to Allow SIC 2835: In Vitro and In Vivo Diagnostic Substances as an Allowed Use, initiated by Colby Management Company. He asked for the date the notice was published and the City Clerk indicated the notice was published on May 10, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 5-0, with two members absent, the Plan and Zoning Commission recommended City Council approval of the proposed PUD amendment.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Sandager to consider the first reading of the ordinance.

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Vote 13-197: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Trimble to approve the first reading of the ordinance.

Vote 13-198: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider 4125 Westown Parkway Urban Renewal Area, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on May 17, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 4-0, with two members abstaining and one member absent, the Plan and Zoning Commission adopted a Resolution stating the proposed Urban Renewal Plan is consistent with the Comprehensive Plan and recommended its approval.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Mickelson to adopt Resolution - Approval of Urban Renewal Plan.

Vote 13-199: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

It was moved by Trimble, second by Trevillyan to consider the first reading of the ordinance.

Vote 13-200: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Trevillyan to approve the first reading of the ordinance.

Vote 13-201: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Center Place Storm Sewer Improvements, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on

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May 17, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to The Underground Company, Ltd.

Vote 13-202: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider 2013 Sanitary Sewer Rehabilitation Program, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on May 17, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Drake Construction, LLC.

Vote 13-203: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(a) Tiburon, south of Mills Civic Parkway and west of South 95th Street - Subdivide Property into 13 Lots for Residential Construction, 1 Lot for Parkland Dedication, 3 Lots for Public Streets and 2 Outlots for Transfer of Ownership, initiated by Triple T, LLC

Mayor Gaer noted this item will be deferred until the June 10, 2013 meeting.

On Item 7(b) Meals from the Heartland, 357 Lincoln Street - Construction of a Warehouse and Office Building, initiated by Meals from the Heartland

It was moved by Trevillyan, second by Trimble to adopt Resolution - Approval of Site Plan, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

1. Prior to initiating any grading or construction activity on the site, the applicant providing

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written confirmation to the Building Division that if necessary a current National Pollutant Discharge Elimination System (NPDES) Permit has been obtained from the Iowa Department of Natural Resources (IDNR);

2. The applicant providing finalized site plan drawings that address the Public ROW Accessibility Guidelines (PROWAG) design requirements for the public sidewalks and adequately accommodates the future driveway connections to their shared access drives, prior to final approval of the Site Plan and issuance of any building permits.
3. The property owner establishing a cross access and maintenance agreement between this site and the two adjoining lots for the shared access drives, prior to final approval of the Site Plan and issuance of any building permits;
4. The applicant agreeing to construct additional parking stalls or otherwise modify their operation should a parking problem arise on this site;
5. The City Council waiving the understory trees and shrubs required within the southern landscape buffer provided the adjoining property owner to the south is in agreement and that garages are constructed along this buffer as anticipated on the south property.

Vote 13-204: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(c) Raccoon River Kennels, 7502 Raccoon River Drive - Construction of a Building Addition, initiated by Thom Baustian

It was moved by Trimble, second by Sandager to adopt Resolution - Approval of Site Plan, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

1. The City Council deferring the installation of 17 parking stalls this site is short from meeting the City Code requirement, subject to the property owner agreeing to install additional parking at such time that parking problem is identified as determined by the City.

Vote 13-205: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 8(a) Maple Grove North, southwest corner of 92nd Street and University Avenue - Amend the Planned Unit Development to allow 1 Drive-thru for a Coffee Shop or Restaurant, Modify Signage Regulations, and Remove Buffer Park Requirements along 92nd Street - Maple Grove Commercial, LLC - Referred to Plan and Zoning Commission

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On Item 8(b) Peter Cownie Resignation - Human Services Advisory Board - Received and Filed

On Item 9 - Other Matters

Mayor Gaer inquired how staff wants to obtain feedback from the Council regarding the naming of a couple major streets, such as the Southwest Connector and 105th Street, and he requested that staff come up with a couple recommendations for those street names.

Greg Sparks responded staff will discuss the matter and then communicate the information to the Council.

The meeting was adjourned at 5:57 p.m.

Respectfully submitted,

Ryan T. Jacobson
Deputy City Clerk

ATTEST:

Steven K. Gaer, Mayor